

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
 Sacramento, California 95833-2931
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 CA Relay Service TT/TDD (800) 735-2929
 Consumer Complaint Hotline (866) 543-1311
<http://www.chiro.ca.gov>



**BOARD OF CHIROPRACTIC EXAMINERS
 NOTICE OF PUBLIC MEETING**

Full Board Agenda

Thursday, December 14, 2006

10:30 a.m. to 5:00 p.m.

*State Capitol Building, Assembly Room 126
 Sacramento, CA 95814*

TIME AND ORDER OF AGENDA ITEMS ARE SUBJECT TO CHANGE

AGENDA ITEM**EXHIBIT**

Call to Order	Roll Call:	Barbara Stanfield, D.C., Chair Richard Tyler, D.C., Secretary David Yoshida, D.C. Francesco Columbu, D.C. Judge James Duvaras (Ret.), Public Member
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Approval of Minutes

September 28, 2006	A
November 16, 2006	B

Chairperson's Report

Board member orientation training	C
Proposed Board meeting dates for 2007	D

Committee Reports

Continuing Education Committee (Dr. Stanfield, Chair)	
• Discussion and Action re: Logan Pro-Adjuster technique	
College Approval Committee (Dr. Tyler, Chair/Dr. Yoshida)	
• Discussion on review of Board approved colleges	
• Discussion regarding visiting the Board approved colleges	
FAQ Committee (Dr. Columbu, Chair)	
• Discussion on review of frequently asked questions	
Regulation Review Committee (Dr. Stanfield, Chair)	
• Discussion on revisions to current regulations	
• Discussion and Review re: CCR section 306 – Delegation of Certain Duties	
• Discussion and Action re: CCR section 356.1 – CPR/BLS	E

Discussion and Action re: Manipulation Under Anesthesia (MUA)

Announcements

Public Comment - Public comment will be limited to 3 minutes. No discussion or action can be taken on items not on the agenda, but they may be placed on a future meeting agenda.

New Business
Future Agenda Items

CLOSED SESSION

Approval of Minutes
September 28, 2006F

Deliberation on Personnel Matters
Pursuant to California Government Code Section 11126(a)(1)
Deliberation on Pending Litigation
Pursuant to California Government Code Section 11126(e)(1)

Adjournment

The Mission of the Board of Chiropractic Examiners is to 1) protect Californians from fraudulent or incompetent practice of chiropractic; 2) examine applicants for licensure in order to evaluate entry level competence; and, 3) enforce the Chiropractic Initiative Act and regulations relating to the practice of chiropractic.

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak. For additional information call (916) 263-5355.

NOTICE: *The meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.*

Exhibit A

Board of Chiropractic Examiners

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DRAFT

BOARD OF CHIROPRACTIC EXAMINERS

PUBLIC SESSION MINUTES
Thursday, September 28, 2006
10:30 a.m. to 5:00 p.m.
State Capitol, Assembly Room 444
Sacramento, CA 95814

BOARD MEMBERS PRESENT

Barbara Stanfield, D.C., Chair
R. Michael Hamby, D.C., Vice Chair
Richard Tyler, D.C.
Francesco Columbu, D.C.
David Yoshida, D.C.
Judge James Duvaras, Ret.

STAFF PRESENT

Catherine Hayes, Executive Director
David Hinchee, Assistant Executive Director
Jana Tuton, Deputy Attorney General
Paul Bishop, Staff Counsel
Marlene Valencia, Business Services Assistant

GUESTS PRESENT

Charles Davis, D.C., ICAC
John K. Maltby, D.C., ICA
Frank Houten, D.C.
Peter Martin, Palmer Florida
Peg Howard, D.C.
Bill Howe, CCA
Deborah Mattos, SCUHS

Travis Black
Lou Ringler, Innercalm Assoc.
Patrick Walborn, D.C.
Robert Leventhal
Reed Phillips, SCUHS
Kristine Shultz, CCA
Ray Weltch, D.C.

Al Dockus
Hugh Lubkin, ICAC
George Casey, D.C.
Larry Patten, Palmer College
Kendra Holloway, D.C., LCCW

CALL TO ORDER

Dr. Stanfield, D.C., called the meeting to order at 10:44 a.m.

ROLL CALL

Dr. Tyler, D.C., called the roll. All members were present with the exception of Dr. Columbu, D.C.

APPROVAL OF MINUTES

August 10, 2006, Open Session

DR. YOSHIDA, D.C. MOVED TO ADOPT THE AUGUST 10, 2006 OPEN SESSION MINUTES. DR. HAMBY, D.C., SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

CHAIR REPORT

Board Member Orientation Training

Dr. Stanfield, D.C., reported that Ms. Hayes, Mr. Hinchee and she attended the recent orientation and it was very informative. She stated that the training was in regards to what the roles and responsibilities are of a Board member. Dr. Stanfield, D.C., encouraged the Board members to attend the next training. The next training will be held in Sacramento in January. Ms. Hayes will forward exact information as it becomes available.

EXECUTIVE DIRECTOR REPORT

Ms. Hayes referred to Exhibit C, which was a Letter of Recognition from the Federation of Chiropractic Licensing Boards to the Governor.

Ms. Hayes referred to Exhibit D regarding the responses to public comments at the August 10, 2006 Board meeting. There was a brief discussion regarding letters that are sent out by Dr. Craw, D.C., and whether or not they were considered legal opinions. Mr. Bishop stated that Dr. Craw, D.C., does not give any legal opinions; she is accurately stating what is in the law that is part of our Act.

Ms. Hayes referred to Exhibit E regarding policy memo on Incompatible Activity Statement. Ms. Hayes stated that it has just come to her attention that all Board members may not have been given the statement so to ensure that everyone has it, a copy has been provided in their packets.

Ms. Hayes referred to Exhibit F regarding the Guidelines to Public Records and indicated that a copy was provided for informational purposes. Ms. Hayes further stated that copies of these guidelines are also in the Board's lobby area.

PROGRAM REPORTS

Administration Unit

Mr. Hinchee referred to Exhibit G and explained the Board member per diem and revised attendance report.

Mr. Hinchee referred to Exhibit H and stated that all Board members are required to have sexual harassment and discrimination training. Mr. Hinchee is researching online courses and will provide the information to the Board members.

Mr. Hinchee referred to Exhibit I and explained that there are some Board members who have not completed taking their Ethics course and reminded them that this is a mandatory course as part of their appointment to

the Board. A copy of the course was provided on CD to the Board members that had not completed it on-line. They were asked to complete the course as soon as possible.

Dr. Stanfield made note that Dr. Columbu, D.C. joined the meeting at 11:08 a.m.

Mr. Hinchee informed the Board members of our new phone system. Mr. Hinchee further stated that the new phone system is a state-of-the-art system and will provide the consumers and licensees with more options for information.

Licensing Unit

Ms. Hayes referred to Exhibit J in regards to the Board's fact sheets. Ms. Hayes advised the Board that an unnamed chiropractic association in California currently has on their website contradictory information with present day Board positions. Ms. Hayes advised the Board members that she will contact the association and request that they remove the information from their website and recommend as an alternative to place a link to the Board's website.

Mr. Hinchee reported that the Board staff is working with the Department of Consumer Affairs, Information Technology to start a new program entitled, iLicensing. It is anticipated that this project will take two years before it is implemented. Mr. Hinchee stated that this new procedure will be a faster, easier and more convenient way for licensees to renew their licenses.

Ms. Hayes referred to Exhibit L, which was a sample of the Application for New Chiropractic College Approval. Ms. Hayes stated the application is available on our website.

CONTINUING EDUCATION COMMITTEE

Discussion and Action re: Draft: CE Criteria

Ms. Hayes referred to Exhibit M in regards to the Draft version of the CE Criteria. Ms. Hayes stated that this version cites the various sections of the law so the providers are clearer when preparing their materials for CE courses. Dr. Stanfield, D.C., deferred to the audience for public comment.

Kristine Shultz, representing California Chiropractic Association, commented that they strongly encourage a regulation because it is their opinion that this cannot be supportive without one. Ms. Shultz also suggested taking the comments that the CE rule should be changed from 12 hours to 24 hours. Ms. Shultz submitted other specific changes in writing.

Reed Phillips, D.C., President of Southern California University Health Sciences, stated that they are in support of the previous comments made by the California Chiropractic Association.

Charles Davis, D.C., commented that the wording should be clinical therapeutic instead of adjustive techniques.

Kendra Holloway, D.C., representing Life College Chiropractic West, commented that this really needs to be adopted as a regulation because there are too many inconsistencies.

Ms. Hayes stated that she appreciates the public comments made however, some of the comments offered reference revising the regulation. Ms. Hayes further stated that the Board is not proposing a new regulation; instead the Board is trying to clarify the current regulation and doing it through this criteria information sheet. She stated that when the Regulation Committee starts looking at revising the CE regulation some of the other comments made will be considered as part of the rulemaking process.

Charles Davis, D.C., made additional comment to make a seventh draft and change a few words.

Ray Welch, D.C., requested a list of the various Board approved techniques. The Board members answered that the approved techniques are on the Board website.

Dr. Stanfield, D.C. reported that the CE Committee would like to submit a request from Logan College of Chiropractic to consider pro-adjustive technique as one of their core. Dr. Stanfield, D.C., asked for a motion to add this on the next Board meeting agenda.

DR. HAMBY, D.C. MOVED TO TABLE FOR REVIEW AND DISCUSS AT THE NEXT MEETING. DR. TYLER, D.C., SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Dr. Stanfield, D.C. stated that there is a question regarding whether or not the Board looks at courses in MRI for Continuing Education as being approved for general hours. Dr. Tyler, D.C. suggested that it would be a good idea to be exposed to MRI's not to become an expert but only to be knowledgeable. Dr. Columbu, D.C. shared the same thoughts as Dr. Tyler, D.C. Dr. Yoshida, D.C., commented that because the radiologic health will not recognize it, how will the criteria be established on who can teach a course in MRI diagnostic. Dr. Stanfield, D.C., tabled this for further discussion at the next Board meeting.

Dr. Stanfield, D.C. asked for a motion to accept the Draft #6 Continuing Education Criteria. Dr. Hamby, D.C. stated that the word "adjustive" will be added on the first bullet under Course Content to read: *Technique hours will only be considered for courses on **adjustive** techniques taught in core curriculum and clinical at chiropractic colleges approved by the Board and Council on Chiropractic Education (CCE).*

DR. YOSHIDA, D.C. MOVED TO APPROVE DRAFT #6 CONTINUING EDUCATION CRITERIA. DR. TYLER, D.C., SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Dr. Stanfield, D.C. commented that the CE Committee suggests a disclaimer be added to course descriptions stating that the course is for informational purposes only. Dr. Yoshida, D.C. stated that he does not feel a disclaimer is necessary. Dr. Columbu, D.C. stated that he did not feel a disclaimer is necessary. All Board members agreed that a disclaimer is not necessary.

Dr. Stanfield, D.C. recessed into lunch at 12:30 p.m.

Dr. Stanfield, D.C. reconvened the meeting to order at 1:25 p.m. Dr. Tyler, D.C. called roll. All Board members were present with the exception of Dr. Yoshida, D.C.

Dr. Stanfield, D.C. asked for comments regarding whether the November meeting should be a regular Board meeting or a committee meeting only.

Dr. Stanfield, D.C. made note that Board member Dr. Yoshida, D.C. joined the meeting at 1:34 p.m.

JUDGE DUVARAS MOVED TO HAVE A FULL BOARD MEETING ON NOVEMBER 16, 2006. DR. COLUMBU, D.C. SECONDED THE MOTION. VOTE: 2-3. MOTION FAILED.

DR. HAMBY, D.C. MOVED TO HAVE A COMMITTEE MEETING ON NOVEMBER 16, 2006. DR. TYLER, D.C., SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

After a brief discussion, the Board members discussed holding a full Board meeting on December 14, 2006.

JUDGE DUVARAS MOVED TO HAVE A FULL BOARD MEETING ON DECEMBER 14, 2006. DR. COLUMBU, D.C. SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Public Comment

Robert Leventhal, an attorney representing Palmer Chiropractic College commented on an application that was submitted by Palmer Chiropractic College, Florida over a year and a half ago. Mr. Leventhal commented that Palmer Chiropractic College, Florida only temporarily withdrew their application and now it is his opinion

that the Board staff will not give Palmer a fair hearing. Mr. Leventhal made additional comments on problems with the new application. Mr. Leventhal requests the Board put Palmer College on the December Board meeting agenda, consider the application and approve it.

John Maltby, President of International Chiropractic Association (ICA), commented that during the last Board meeting there was a lot of back and forth dialogue during public comment.

Hugh Lubkin, D.C. commented on two issues that were presented to the Board that he would like to have agendaized for discussion in the future. Dr. Lubkin, D.C. indicated that one of the issues is conflict of interest for Board members and staff to work with insurance companies.

Travis Black identified himself as a personal injury attorney who represents chiropractors and is also a guest lecturer for the CCA and a speaker for the ICA. During a lengthy statement, Mr. Black gave his opinion that Dr. Craw, D.C. is not qualified for the position she holds with the Board of Chiropractic Examiners and that there is a conflict of interest.

John Maltby, President of ICA, commented that it is the Board members duty to protect the good chiropractors.

Peg Howard, D.C., stated that her expressions made at the last meeting were not clear. She continued to say that she feels NIMMO is a chiropractic technique and not a physical therapy.

Brian Anderson, D.C. asked the Board to act on Dr. Craw, D.C. on behalf of California chiropractors.

Dr. Phillips, D.C. stated that his registrar received an e-mail from Board staff, Elsa Berumen regarding new forms. Dr. Phillips, D.C. requested that if there are any changes in procedure to give appropriate time. At this time, Ms. Hayes informed Dr. Phillips, D.C. that the form he is referencing has been in effect for nearly a year and that only minor revisions were made to it.

George Casey, D.C. with Life West Chiropractic College stated that he was here to present a recommendation from Gerry Clum regarding a change to sections four and five of the regulation. Dr. Casey, D.C. stated the he had given the recommendation to Dr. Tyler, D.C.

Dr. Stanfield, D.C. adjourned the public session at 2:55 p.m.

Exhibit B

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DRAFT

BOARD OF CHIROPRACTIC EXAMINERS

BOARD/COMMITTEE MEETING MINUTES

Thursday, November 16, 2006

10:30 a.m. to 5:00 p.m.

*2525 Natomas Park Drive, Suite 100
Sacramento, CA 95833*

BOARD MEMBERS PRESENT

Barbara Stanfield, D.C., Chair
Richard Tyler, D.C.
Francesco Columbu, D.C.
David Yoshida, D.C.

BOARD MEMBERS ABSENT

Judge James Duvaras, Ret.

STAFF PRESENT

Catherine Hayes, Executive Director
David Hinchee, Assistant Executive Director
Paul Bishop, Staff Counsel
Lavella Matthews, Licensing Program Analyst
Michael Hamilton, Administrative Analyst
Marlene Valencia, Business Services Assistant

GUESTS PRESENT

Charles Davis, D.C., ICAC
Hugh Lubkin, D.C., ICAC
Carole Arbuckle
Kendra Holloway, D.C., LCCW
George Casey, D.C.
Patrick Walborn, D.C.
Joe Ferguson, D.C.
Bill Howe, CCA
Kristine Shultz, CCA
Deborah Mattos, SCUHS

CALL TO ORDER

Dr. Stanfield D.C., called the committee meeting to order at 10:58 a.m.

ROLL CALL

Dr. Tyler, D.C. called the roll. All members were present with the exception of Judge Duvaras.

Nonadopt Hearing

Judith Urdea, D.C.

Mr. Bishop stated that at the September 28, 2006 Board meeting the Board voted to nonadopt the proposed decision regarding Judith Urdea, D.C. He also stated that there was some discussion and the Board gave direction on how they would like the decision rewritten. Mr. Bishop gave the Board members a copy of the rewritten decision. The Board members reviewed the decision and after a brief discussion, Dr. Stanfield, D.C. asked for a motion and a vote from the Board members.

DR. TYLER, D.C., MOVED TO ACCEPT THE REVISED DECISION, DR. YOSHIDA, D.C., SECONDED THE MOTION. VOTE: 4-0. MOTION CARRIED.

Dr. Tyler, D.C., commented that he would like to hold a Board meeting at least once a year at one of the chiropractic college campuses.

PUBLIC COMMENT

There was no public comment.

After a brief discussion, the Board members decided to hold another Board meeting on December 14, 2006 at the State Capitol.

Dr. Stanfield, D.C. asked Dr. Columbu, D.C. if he would like to be on the new FAQ Committee. Since the Board staff needs to have answers to practice related questions received by the Board office via e-mail, phone calls, letters, etc., it was determined that preparation of a series of FAQs might answer many of the inquiries made to the Board office. Dr. Columbu, D.C. told her that he would consider being on the committee and that he would get back to her with an answer.

The Board moved into the following committee meetings: Continuing Education (CE) Committee; College Approval Committee; Initiative Act Review Committee; and Regulation Committee. The committees met for discussion purposes only and no action was taken on any items.

Exhibit C



New Board Member Orientation Training RSVP Form

Date

Wednesday,
January 24, 2007

Time

9:00 a.m. – 3:30 p.m.

Location

Department of Consumer
Affairs
Training Room – Suite S104
1625 N. Market Blvd
Sacramento, CA 95834

Yes! I will attend the Board Member Orientation Training.

Name: _____

Your Board: _____

Title (i.e. Board Member, Executive Officer, etc): _____

Telephone: _____

Fax*: _____

E Mail*: _____

*Confirmation letters will be sent by fax or email prior to the training

Please submit by December 22, 2006 to:

Deanna Marino Robinson
Training & Development Services
Department of Consumer Affairs
1625 North Market Blvd, Ste N321
Sacramento, CA 95834
Fax: (916) 574-8607
Phone: (916) 574-8320
E-Mail: Deanna_Marino_Robinson@dca.ca.gov

Exhibit D

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PROPOSED

BOARD OF CHIROPRACTIC EXAMINERS

MEETING SCHEDULE JANUARY – DECEMBER 2007

January 18, 2007 – Los Angeles

April 19, 2007 – Sacramento

June 21, 2007* – Sacramento

August 16, 2007 – San Diego

October 25, 2007 – Sacramento

November 15, 2007* - Sacramento

*Meeting of the Board's Committees for discussion purposes.

Exhibit E

Proposal to Repeal Section 356.1
Cardiopulmonary Resuscitation/Basic Life Support

BACKGROUND

Existing regulation requires chiropractor to be certified in Cardiopulmonary Resuscitation (CPR) or basic life support (BLS) from the American Red Cross, American Heart Association, or other associations approved by the Board.

PURPOSE

This proposal would delete all language pertaining to CPR training as a chiropractic licensing requirement.

RATIONALE

This unnecessary regulatory intervention has not been shown to have a positive impact on the level of care provided by licensed doctors of chiropractic since it took effect in November 2003. Following a review of other health boards in California concluded that the Medical Board, Board of Podiatric Medicine and the Board of Optometry had repealed their CPR requirement. Furthermore, the Board is not authorized and lacks the expertise in approving "associations" to provide CPR or BLS training.

FISCAL IMPACT

This proposal will not have a negligible fiscal impact on the Board's program.

ECONOMIC IMPACT

This proposal will not have an adverse economic impact on California businesses.

Section 356.1 Cardiopulmonary Resuscitation/Basic Life Support Training

As a condition of licensure and license renewal, all licensees are required to maintain current certification in cardiopulmonary resuscitation (CPR) or basic life support (BLS) from the American Red Cross, American Heart Association, or other associations approved by the Board. Training required for the CPR/BLS certification shall not be credited toward the requirements set forth in section 356. Exemptions will be made for licensees as the Board, in its discretion, determines were unable to maintain current CPR/BLS certification due to physical impairment, illness, incapacity or other unavoidable circumstances.

Note: Authority cited: Section 1000-4(b), Business and Professions Code
(Chiropractic Initiative Act of California, Stats. 1923
p. lxxxvii).

Reference: Section 1000-4(e), Business and Professions Code
(Chiropractic Initiative Act of California, Stats.
1923, p. lxxxvii).